

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

GUIDEONE INSURANCE COMPANY,

Plaintiff,

v.

NEW JERUSALEM CHURCH OF GOD IN

CHRIST; ALETA HASKINS,

Defendant.

Case No. 3:24-cv-05854-TMC

ORDER TO SHOW CAUSE

A complaint for declaratory judgment was filed by Plaintiff GuideOne Insurance Company (“GuideOne”) against Defendants New Jerusalem Church of God in Christ and Aleta Haskins in the United States District Court on October 4, 2024, Dkt. 1, and assigned to this Court on February 3, 2025. Dkt. 13, 14. The Court issues this Order on its own accord after reviewing the Complaint. *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514 (2006) (The Court has “an independent obligation to determine whether subject-matter jurisdiction exists.”).

This is a Court of limited jurisdiction. For a legal action to proceed, the Court must have subject matter jurisdiction over the action. In their Complaint, GuideOne asserts that the Court has subject matter jurisdiction over this action due to “diversity jurisdiction.” Dkt. 1 at 2. For there to be diversity jurisdiction (which would provide the Court with subject matter

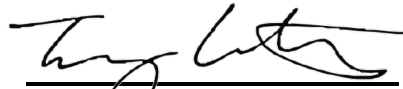
1 jurisdiction), the amount in dispute must exceed \$75,000 and the parties must be citizens of
2 different states. *See* 28 U.S.C. § 1332(a).

3 The current filings do not provide an adequate basis for diversity jurisdiction. There must
4 be complete diversity of citizenship between the opposing parties. *See Kuntz v. Lamar Corp.*,
5 385 F.3d 1177, 1181 (9th Cir. 2004). Local Civil Rule 8 requires that if the plaintiff is asserting
6 that this Court has jurisdiction based on diversity, “the complaint must identify the citizenship of
7 the parties[.]” LCR 8(a).

8 In their complaint, GuideOne alleges that Defendant Aleta Haskins is a “Washington
9 resident.” Dkt. 1 at 1. “But the diversity jurisdiction statute, 28 U.S.C. § 1332, speaks of
10 citizenship, not of residency.” *Kanter v. Warner-Lambert Co.*, 265 F.3d 853, 857 (9th Cir. 2001).
11 A natural person’s citizenship is “determined by her state of domicile, not her state of residence.”
12 *Id.* “A person’s domicile is her permanent home, where she resides with the intention to remain
13 or to which she intends to return.” *Id.* “A person residing in a given state is not necessarily
14 domiciled there, and thus is not necessarily a citizen of that state.” *Id.* As the party asserting
15 diversity jurisdiction, GuideOne bears the burden of proof. *Id.* at 857–58. The operative
16 Complaint does not contain sufficient allegations to sustain GuideOne’s burden to establish
17 diversity jurisdiction at the pleading stage. In its response to this Order, GuideOne must address
18 whether it can cure this defect by amending its complaint or providing other evidence to
19 sufficiently allege Aleta Haskins’s citizenship. *See id.*; 28 U.S.C. § 1653 (“Defective allegations
20 of jurisdiction may be amended, upon terms, in the trial or appellate courts.”).

21 Accordingly, the Court ORDERS GuideOne to respond within 14 days and show cause
22 why this Court has subject matter jurisdiction over this case.

Dated this 5th day of February, 2025.

A handwritten signature in black ink, appearing to read 'Tiffany M. Cartwright', written over a horizontal line.

Tiffany M. Cartwright
United States District Judge